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8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

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11 BRUCE MACDONALD, Individually and on
 behalf of all others similarly situated,

12 Plaintiff,

13 v.

14 DYNAMIC LEDGER SOLUTIONS, INC., a
 15 Delaware corporation, TEZOS STIFTUNG, a
 Swiss foundation, KATHLEEN BREITMAN,
 16 an individual, ARTHUR BREITMAN, an
 individual, TIMOTHY COOK DRAPER, an
 individual, DRAPER ASSOCIATES,
 JOHANN GEVERS, DIEGO PONZ, GUIDO
 17 SCHMITZ-KRUMMACHER, BITCOIN
 SUISSE AG, NIKLAS NIKOLAJSEN and
 18 DOES 1-100, INCLUSIVE,

19 Defendants.

20 Case No. 3:17-cv-07095-RS

21 **STIPULATION AND [PROPOSED]
 22 ORDER EXTENDING TIME FOR
 DEFENDANT GUIDO SCHMITZ-
 23 KRUMMACHER TO RESPOND TO THE
 COMPLAINT**

1 Pursuant to Local Rules 6-2 and 7-12, Plaintiff and Defendant Guido Schmitz-
 2 Krummacher (“Schmitz-Krummacher”), through their counsel, submit the following Stipulation
 3 and [Proposed] Order Extending Time For Defendant Guido Schmitz-Krummacher to Respond to
 4 the Complaint:

5 WHEREAS, Plaintiff commenced the above-captioned action (the “Instant Action”) on
 6 December 13, 2017;

7 WHEREAS, on December 14, 2017, the Instant Action was deemed related to the action
 8 entitled *GGCC, LLC v. Dynamic Ledger Solutions, Inc.*, 3:17-cv-06779 [ECF No. 6], which itself
 9 had been deemed related to *Okusko v. Dynamic Ledger Solutions, Inc.*, 17-cv-06829 [GGCC, ECF
 10 No. 11] (together, the “Related Actions”) and motions are pending to consolidate the Instant
 11 Action with the Related Actions;

12 WHEREAS on December 14, 2017, Plaintiff filed an ex parte application asking the Court
 13 to approve electronic service of defendants Tezos Stiftung, Johann Gevers, Diego Fernandez, Mr.
 14 Schmitz-Krummacher, Bitcoin Suisse AG, and Niklas Nikolajsen and the Court thereafter entered
 15 an Order approving that request (the "Order") (ECF Nos. 11, 12);

16 WHEREAS Plaintiff and Mr. Schmitz-Krummacher have met and conferred regarding the
 17 topic of service and the deadline for Mr. Schmitz-Krummacher to answer, move to dismiss, or
 18 otherwise respond to the Complaint;

19 WHEREAS to avoid motion practice with respect to the Order or the issue of service more
 20 generally, Mr. Schmitz-Krummacher has agreed to waive service of the Summons and Complaint
 21 and has agreed not to contest the validity of such service;

22 WHEREAS in exchange for Mr. Schmitz-Krummacher’s agreement to waive service of the
 23 Summons and Complaint, Plaintiff has agreed to join Mr. Schmitz-Krummacher in requesting that
 24 the Court vacate that portion of the Order that allowed for him to be served electronically;

25 Whereas on February 15, 2018, Plaintiff and Defendants Dynamic Ledger Solutions, Inc. ,
 26 Tezos Stiftung , Kathleen Breitman, Arthur Breitman , Timothy Draper, Draper Associates V
 27 Crypto LLC, Johann Gevers, Diego Olivier Fernandez Pons, Bitcoin Suisse AG, and Niklas
 28 Nikolajsen, through their counsel, stipulated and the Court ordered that the deadline for those
 17343.001 4832-3037-0143.1

1 Defendants to answer, move to dismiss, or otherwise respond to the Complaint shall be 30 days
 2 after the Court appoints a lead plaintiff and lead counsel in the Related Actions, and lead plaintiff
 3 files and serves a consolidated complaint or a notice stating that lead plaintiff designates a
 4 previously filed complaint as operative, or as otherwise ordered by the Court in the Related
 5 Actions;

6 WHEREAS, the current deadline for the defendants in the Related Actions to answer,
 7 move to dismiss, or otherwise respond to the complaints is similarly 30 days after the Court
 8 appoints a lead plaintiff and lead counsel therein, and lead plaintiff files and serves a consolidated
 9 complaint or notice stating that lead plaintiff designates a previously filed complaint as operative
 10 [GGCC, ECF Nos. 21, 66; *Okusko*, ECF Nos. 18, 25, 38];

11 WHEREAS, lead plaintiff applications have been filed in the *GGCC* action, with various
 12 parties taking differing positions on the appointment of lead plaintiff, the appointment of lead
 13 plaintiffs' counsel, and consolidation of various actions;

14 WHEREAS, Mr. Schmitz-Krummacher does not consent to, and in fact contests, the
 15 Court's exercise of personal jurisdiction over him as well as the propriety of venue of the Instant
 16 Action;

17 WHEREAS, Mr. Schmitz-Krummacher anticipates moving to dismiss any operative
 18 complaint in the Instant Action and, to the extent that he is named therein, any of the Related
 19 Actions;

20 WHEREAS, the Plaintiff and Mr. Schmitz-Krummacher agree that, regardless of how the
 21 Court rules on the motions regarding appointment of lead plaintiff and lead plaintiffs' counsel and
 22 for consolidation, it would promote efficiency and economy to brief motions to dismiss in all
 23 actions on one schedule;

24 NOW, THEREFORE, in consideration of the foregoing and in the interest of judicial
 25 economy and good cause shown, Plaintiff and Mr. Schmitz-Krummacher stipulate, subject to the
 26 approval of the Court, the following:

- 27 1. That the Court vacate that portion of the Order that allows for Mr. Schmitz-
 28 Krummacher to be served electronically.

- 1 2. The deadline for Mr. Schmitz-Krummacher to answer, move to dismiss, or
2 otherwise respond to the Complaint shall be 30 days after the Court appoints a lead
3 plaintiff and lead counsel in the Related Actions and lead plaintiff files and serves a
4 consolidated complaint or a notice stating that lead plaintiff designates a previously
5 filed complaint as operative, or as otherwise ordered by the Court in the Related
6 Actions.
- 7 3. Nothing in this stipulation constitutes a waiver by Plaintiff of any right to seek any
8 discovery or by Mr. Schmitz-Krummacher of his rights to object to or oppose any
9 such application for discovery.
- 10 4. Nothing in this stipulation constitutes either a waiver by Mr. Schmitz-Krummacher
11 of any defenses, including lack of personal jurisdiction and venue, or a general
12 appearance.
- 13 5. Nothing in this stipulation shall prejudice the right of any party to seek further
14 extensions of time to respond to the Complaint.

15 **IT IS SO STIPULATED.**

16
17 DATED: March 14, 2018

COBLENTZ PATCH DUFFY & BASS LLP

18
19 By: /s/David C. Beach
20 David C. Beach
21 Attorneys for Defendant
22 Guido Schmitz-Krummacher

23 DATED: March 14, 2018

HAGENS BERMAN SOBOL SHAPIRO LLP

24
25 By: /s/Danielle Smith
26 Danielle Smith (291237)
27 Attorneys for Plaintiff

1 **FILER'S ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

2 I, David C. Beach, attest that concurrence in the filing of this JOINT STIPULATION AND
3 [PROPOSED] ORDER EXTENDING TIME TO RESPOND TO THE COMPLAINT TO
4 COORDINATE WITH RELATED CASES has been obtained from each of the other signatories.

5 Executed this March 14, 2018, at San Francisco, California.

6 */s/*David C. Beach
7 David C. Beach

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1 PURSUANT TO THE STIPULATION, IT IS SO ORDERED.
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4 DATED: 3/15, 2018
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11 THE HONORABLE RICHARD SEEBORG
12 UNITED STATES DISTRICT JUDGE
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